

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

Bail Appl..No. 6076 of 2006()

C.R.NO.59/2006 OF PATHANAMPURAM EXCISE RANGE

PETITIONER

RADHAKRISHNAN,
S/O.VASU ASARI,
KOLLAMPARAMBIL, PADINJATTETHIL,
PATHANAMPURAM TALUK, PATHANAPURAM VILLAGE.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS:

1. THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
2. THE EXCISE INSPECTOR PATHANAPURAM RANGE,
PATHANAPURAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. No. 6076 of 2006

Dated this the 7th day of November, 2006

O R D E R

At the time of search by the excise party, the petitioner along with driver and cleaner of the lorry, escaped. The lorry along with the contraband and the spirit from the workshop, were seized.

2. The counsel for the petitioner, however, submits that the petitioner ran away at the time of search by the Excise party, because the other two persons, on seeing the Excise Personnel, ran away. The petitioner has got no connection with the transportation of spirit.

3. However, the prosecutor, counters the above argument, on the plea that, a portion of the spirit has been seized from the workshop, itself. The third accused was before this Court for an anticipatory bail, and the same was disposed of, directing the accused to surrender before the Investigating Officer.

4. In the above fact situation, I direct the petitioner, the first accused, in C.R.No.59/2006, Pathanapuram

Excise Range, also to surrender before the Investigating Officer, on 14/11/2006, at 10 a.m.

5. The Investigating Officer shall interrogate the petitioner and, thereafter, produce him before the court below, as per the law.

6. The learned Magistrate shall hear both sides and pass appropriate orders, on the date of production of the accused.

(J.M.JAMES)
Judge

ms